

The Court has considered the Report and Recommendation of the United States Magistrate Judge along with the record and pleadings. Johnson acknowledged receipt of the Report and Recommendation on May 10, 2019. Docket No. 10. No parties filed objections to the Report and Recommendation. Accordingly, Johnson is not entitled to *de novo* review by the District Judge of

those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court.

Nonetheless, the Court has reviewed the pleadings in this case and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants . . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)).

The Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

**ORDERED** that the action is **DISMISSED WITH PREJUDICE**.

**So ORDERED and SIGNED this 26th day of February, 2020.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE